

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

NEW YORK LIFE INSURANCE	:	
COMPANY,	:	
	:	
Plaintiff	:	
	:	
V.	:	C.A. NO. 14-74S
	:	
MASSIEL ORTIZ and JULIA KLAH	:	
	:	
Defendants	:	

**MASSIEL ORTIZ ANSWER TO CROSS-CLAIM OF
DEFENDANT JULIA KLAH**

Now comes Massiel Ortiz and hereby responds to the cross-claim of Julia Klah as follows:

1. Admitted.
2. Ms. Ortiz admits that Ms. Klah is plaintiff to this cross-claim, but is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations and therefore denies the same.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted.
9. Ms. Ortiz avers that the application for insurance speaks for itself and denies these allegations to the extent that they are inconsistent with the written document.

NEW YORK LIFE INSURANCE COMPANY

v.

MASSIEL ORTIZ and JULIA KLAH

CA NO. 14-74S

10. Ms. Ortiz avers that the application for insurance speaks for itself and denies these allegations to the extent that they are inconsistent with the written document.

11. Ms. Ortiz avers that the application for insurance speaks for itself and denies these allegations to the extent that they are inconsistent with the written document.

12. Ms. Ortiz admits that she filed a Claim Form with New York Life dated April 29, 2013 but is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations and therefore denies the same.

13. Ms. Ortiz avers that the Complaint filed by New York Life speaks for itself and denies these allegations to the extent that they are inconsistent with the written document.

14. Ms. Ortiz is without sufficient knowledge or information to form a belief as to the truth of these allegations and therefore denies the same.

15. This paragraph contains conclusions of law to which no response is required. To the extent that a response is necessary, Ms. Ortiz denies the same.

16. Ms. Ortiz is without sufficient knowledge or information to form a belief as to the truth of these allegations and therefore denies the same.

17. Ms. Ortiz is without sufficient knowledge or information to form a belief as to the truth of these allegations and therefore denies the same.

18. Ms. Ortiz is without sufficient knowledge or information to form a belief as to the truth of these allegations and therefore denies the same.

NEW YORK LIFE INSURANCE COMPANY

v.

MASSIEL ORTIZ and JULIA KLAH

CA NO. 14-74S

19. Ms. Ortiz avers that the Complaint filed by New York Life speaks for itself and denies these allegations to the extent that they are inconsistent with the written document.

20. Ms. Ortiz denies that Julia Klah possesses any right, title or interest in the insurance proceeds, is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations, and therefore denies the same.

WHEREFORE, Massiel Ortiz respectfully demands that Julia Klah's Cross Claim be denied and dismissed with prejudice, that judgment be entered against Ms. Klah and in favor of Ms. Ortiz on each and every count of said Cross Claim, that Ms. Ortiz be awarded her costs and reasonable attorneys' fees in defending this action, and that Ms. Ortiz be awarded such other and further relief as this Court may deem fair and just.

AFFIRMATIVE DEFENSE

1. Ms. Klah's Cross Claim fails to state a claim upon which relief may be granted.

WHEREFORE, Massiel Ortiz respectfully demands that Julia Klah's Cross Claim be denied and dismissed with prejudice, that judgment be entered against Ms. Klah and in favor of Ms. Ortiz on each and every count of said Cross Claim, that Ms. Ortiz be awarded her costs and reasonable attorneys' fees in defending this action, and that Ms. Ortiz be awarded such other and further relief as this Court may deem fair and just.

NEW YORK LIFE INSURANCE COMPANY

v.

MASSIEL ORTIZ and JULIA KLAH

CA NO. 14-74S

Respectfully submitted,

Massiel Ortiz

By her attorneys,

/s/ Stephen A. Rodio

/s/ Michelle L. Felix

Stephen A. Rodio (#3245)

Michelle L. Felix (#5787)

RODIO & BROWN, LTD.

2139 Broad Street

Cranston, RI 02905

Tel: (401) 274-4040

Fax: (401) 274-4099

email: srodio@rodiobrown.com

Dated: October 10, 2014

CERTIFICATION

I certify that the within document was electronically filed with the Clerk of Court on the 10th day of October , 2014, and that it is available for viewing and downloading from the Court's ECF system. Service by electronic means has been effectuated on all counsel of record.

/s/ Stephen A. Rodio #3245